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jc970 U.S. PTO

Docket # PF-0321-2 DIV

jc973 U.S. PTO  
09/769970  
01/24/01

"Express Mail" mailing label number EL 743 381 795US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on January 24, 2001.

By: [Signature]  
Printed: Ed Martinez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/272,796, filed on March 19, 1999, which is a divisional application of U.S. application Serial No. 08/878,989 now U.S. patent No. 5,885,803, entitled DISEASE ASSOCIATED PROTEIN KINASES.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/272,796 filed March 19, 1999, which is a divisional application of U.S. application Serial No. 08/878,989, now U.S. patent No. 5,885,803, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with U.S. application Serial No. 08/878,989, now U.S. patent No. 5,885,803, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/878,989, now U.S. patent No. 5,885,803 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3.     Cancel in this application original claims     before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)



4. X The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Jennifer L. Hillman, Neil C. Corley, Karl J. Guegler, Preeti Lal, Surya K. Goli, and Purvi Shah.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on December 9, 1997 is enclosed.
6.      Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/272,796, filed March 19, 1999, which is a divisional application of U.S. application Serial No. 08/878,989, now U.S. patent No. 5,885,803, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
						\$710.00
Total Claims	21	-20	1	x \$18		\$ 18.00
Indep. Claims	3	-3	0	x \$80		\$ 0
<u>    </u> Multiple Dependent Claim(s), if any					+ \$270	\$ 0

**TOTAL FILING FEE \$ 728.00**

8.      An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 728.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on December 15, 1997, at reel 9010/frame 0834.
12.      A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement and PTO-1449.
14. X The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Matthew R. Kaser	Reg. No. 44,817
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
Stephen Todd	Reg. No. 47,139
Christopher Turner	Reg. No. 45,167
Peng Ben Wang	Reg. No. 41,420

\_\_\_ The associate power of attorney in the prior application is to:

- a. \_\_\_ An associate power of attorney is attached.
- b. \_\_\_ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: January 29, 2001 By: David G. Streeter  
David G. Streeter, Ph.D.  
Reg. No. 43,168  
Direct Dial Telephone: (650) 845-5741

- \_\_\_ Inventor(s)  
\_\_\_ Assignee of complete interest  
X Attorney or agent of record  
\_\_\_ Filed under 37 CFR 1.34(a)  
\_\_\_ Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

"Express Mail" mailing label number EL 743 381 795 US. I hereby certify that this document and referenced attachments are being submitted with the United States Postal Service "Express Mail Post Office to Address Service under 37 CFR § 1.10 on the date indicated and is addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on January 24, 2001.

By: Printed: Ted Martinez

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: DISEASE ASSOCIATED PROTEIN KINASES

Serial No.: To Be Assigned

Filing Date:

Herewith

Examiner: To Be Assigned

Group Art Unit:

To Be Assigned

**Official Draftsman**

Commissioner for Patents

Washington, D.C. 20231

## SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, and 7B, as fifteen (15) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: January 24, 2001

David G. Streeter, Ph.D.

Reg. No. 43,168

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